Title:
Annual Old Johnians' Lecture, Given in Brisbane: Australian Parliamentary Government: Myth and Reality

ANNUAL OLD JOHNIANS' LECTURE, GIVEN IN BRISBANE ON 10TH OCTOBER, 1970, BY DON DUNSTAN, PREMIER OF SOUTH AUSTRALIA.

AUSTRALIAN PARLIAMENTARY GOVERNMENT: MYTH & REALITY.

I have chosen as the subject of my paper tonight Parliamentary Government in Australia - the myths it has gathered around it, the real nature of its power. As a predominantly Anglo-Saxon community, we have inherited a system of representative government in which, and in theory and ideally, equal groups of people vote equally to elect representatives who in a sovereign committee seek to make laws that embody the will of the electors as a whole. It is a form of Legislative Government which requires a quite distinct and commonly held belief in cohesive statehood and nationhood. It is supported by a generally accepted ethic of social responsibility. It is a system in which political differences are tolerated. The rules of the game require that the majority wins and that the minority bends. Ideals of fairplay and honesty are firmly worked into the system.

John Stuart Mill wrote in the 19th century that:-

> "(Political) Institutions.....are the work of men: (They) owe their origin and their whole existence to human will...Political machinery does not act of itself. As it is first made, so it has to be worked, by men, and even by ordinary men. It needs not their simple acquiescence, but their active participation".

And so Mill with his mechanistic world view saw active participation as one of the essentials of the political life. It is a view I believe still should hold. He then went on:-

> "Representative Assemblies are often taunted by their enemies with being places of mere talk and bavardage. There has seldom been more misplaced derision. I know not how a Representative Assembly can more usefully employ itself than in talk...."

And then he said of Parliaments that they should be places

> ".....Where every interest and shade of opinion in the country can have its cause ever passionately pleaded, in the face of Government and of all other interests and opinions, can compel them to listen, and either

comply, or state clearly why they do not: (This) is in itself, if it answered no other purpose, one of the most important political institutions that can exist anywhere, and one of the foremost benefits of free Government."

Now, in a sense, it is about the talk of our Parliaments that I wish to talk tonight, for it seems to me that in Parliaments our talking can often cloud our acting.

But I think firstly that we should look further at the 18th and 19th centuries' conceptions of Parliament, for by and large they have determined the way we tend to see our Parliaments today. In the process we lose sight of what Parliament's essential modern functions are.

For the 18th century, the House of Commons represented the whole community as well as its several parts. Great Parliamentarians like Burke saw themselves as representatives of both the whole community and of its component natural groups and interests; class, commercial, and geographical.
Burke was a Member for Bristol and described himself as being not only a Member "for a rich commercial city" but also for, as he says, a "nation which however is itself a part of a great empire extended by our virtue and fortune to the farthest limits of the East and of the West". And he believed that the function of a MP was to deliberate the great questions of State. It was a "thought" rather than a "will" theory of how the general good was to be arrived at.

In an election speech in 1774 Burke said:-

"If Government were a matter of will upon any side, yours (that is, the electors) without question, ought to be superior. But Government and legislation are matters of reason and judgement and not of inclination".

Burke believed that while a Member ought to give "great weight" to the wishes of his constituents, he ought never to sacrifice to them "his unbiased opinion; his nature, judgement, his enlightened conscience". He also said:-

"Your Representative owes you, not his industry only, but his judgement: and he betrays, instead of serving

you, if he sacrifices it to your opinions."

Now perhaps the most significant aspect of this parliamentary philosophy - and we must remember that the 18th and 19th century Parliaments were by no means democratic as we understand the word today - is that the mandate theory of representation was not at all considered the basis of Parliamentary or Legislative power. Towards the end of the 18th century Members saw themselves as representing classes, interests, and a paternalistic imperialism. They voted according to the dictates of their conscience - block or party voting as we know it now rarely occurred.

But in the 19th century liberalism came to the fore. And the Liberals stressed that parliamentary representation should be of individuals rather than of ranks, estates or interests.

It was in a sense the beginning of the move towards the one-vote, one-value ideal.

Lord John Russell in 1831 said:-

> "We cannot confine liberty in this country to one class of men....by which a small part of the community is enabled to lord it over the majority: we cannot in this land and at this time make liberty the inheritance of a caste."

In saying this, Russell was striking at the narrow 18th century orthodoxy which saw the MP as not a typical or common man, but rather as a man of quite distinct and even aristocratic wisdom and ability. But with the rise of liberalism in the 19th century, this conception was changed. Albeit marginally. Macaulay, in 1831, held that it was not by Members, but by "property" and "intelligence" that the country should be ruled. Property, he believed, was the indication of a man's worth. The main end of Government, he believed, was the preservation of property. And so we see Parliamentary representation in England in the 19th century as reflecting the rise of the

propertied middle-classes. They became "the people", peculiarly representative of the whole society, and a class which would bring all class and all hierarchy to an end. Middle-class liberalism sought to destroy privilege and open the doors of opportunity to all. Liberty was no longer the inheritance of a caste; it had become the inheritance of a class.

You may have been slaving in one of Blake's "dark satanic mills" but if through dint of amazing chance or incredible opportunity you were blessed with property of an impossibly high value, the vote became yours and you were an equal.

The 19th century Liberal, however, still really had no time for the formal political party. He believed the party was the bane of free government, because he saw the ideal representative (and ideal elector) as the intelligent, rational, independent man responsible to his own conscience and his constituents. Parties were acceptable if the joining of one was dictated by an elegant conscientous belief, though he would argue that conscientous opinion might also at the same time lead him to agree and vote with others of other parties. This was, in fact, in accord with Burke's precepts.

And so we see Bagehot saying that the House of Commons should be in "a state of perpetual choice". He goes on:-

> "To keep a Legislature efficient, it must have a sufficient supply of substantial business. If you employ the best of men to do nearly nothing, they will quarrel with each other about that nothing. Where great questions end, little Parties begin."

Now in the 20th century both Conservatives and Social Democrats in English-style democracies demand that the MP should not be just a representative, but also a party delegate. It is also our current philosphy that all strata of society should be represented in our parliaments, and that the knowledge of men who have performed functions outside parliament - whether they be doctor, lawyer, academic or trade unionist - is often essential for the good government of the whole community.

S.H. Beer has written:-

"In various periods of history the contribution of Representatives has been thought of sometimes as primarily 'reason', at other times as 'will'. For the proponents of functional representation in modern times, this contribution is especially '<u>knowledge</u>'".

And so we see that on the Left there are parties which advocate parliamentary representation by <u>workers</u> from all strata - while on the Right the concepts of a hierarchic society persist in arguments that "all classes, all interests" be given a share of power.

But just how do Parliaments govern, now? Well in fact they don't govern as such. They exist to support or defeat Governments made up of their Members, and to place governmental power in the hands of one or other party. And this has come about specifically through the development of Cabinet Government in which the party member ministers meet to decide, in accordance with party policy and an electoral mandate, the questions of government which are by and large brought to it by a hierarchial bureaucracy.

Cabinet Government in the early 19th century was really a leisurely occupation. One man was called by the King to form a ministry, but he was not necessarily the leader of a majority party. He was simply assessed as being able to command a majority in the House, and this did not at all need to reflect party lines. Governments suffered frequent defeats without resigning. Ministries were made and unmade without dissolution. In parliament private business was just as important as public business.

Communications were slow. There was time for reflection. The middle-classes and the aristocracy may have believed in the early years of the 19th century that a French-type revolution was imminent. The governments may have ruthlessly suppressed early trade-union movements and societies. Hay-stacks and fields may have been burning throughout the south and farmers may have been rioting. But it was a very gentlemanly crisis, and

one coped with at a gentlemanly pace. The mood of the Commons was the most important political gauge. The Commons was the place where Ministers and Ministries were made and unmade; and where the most vital decisions were made.

The rise of political parties and the consolidation of power by Cabinets however can be seen as the establishment of structures capable of governing an increasingly complex world in which governments were being required to act on matters never before seen as any of their busines

The economy, social welfare, the problems of our industrial society, were all becoming the problems of governments, as they have continued to be, in ever increasing complexity, and as populations have risen and scientific knowledge has expanded.

Under such pressure, the old concepts of deliberative - or argumentative - government by parliament withered away. And yet, and thankfully, parliaments didn't. They remain essentially unchanged, still sovereign, still answerable only to themselves in term and to the electorates when it ends.

While the early political parties were in R.H. Crossman's words, "little more than electoral caucuses", the responsibility of Ministers to parliament was an important check on bureaucratic incompetence. If Departments were incompetent, Ministers were sacked. With more discipline party structures, however, both resignations on principle or dismissals for incompetence have become rare. The party itself has taken responsibility generally.

And so, then what is the role of parliament today? It is I believe a complex and even subtle role. For parliaments must be able to defeat governments and send all representatives to the people, though they must balance this power with the authority to govern given by the electorate to the government. Parliamentary power over laws and ordinances must remain as a check on despotism. And parliament must serve as the most senior and august of public forums, where issues can be raised, grievances aired, and criticism made of both the business before it and the world outside it.

But despite the fact that people and parliaments of Anglo-Saxon tradition have supported the development of effective controlling power in party blocks and cabinet governments, the actual course of parliamentary business has remained unchanged.

In fact it has remained so atrophied by convention that it could be said that between a quarter and a third of parliamentary time is taken up in conventional forms and procedures developed for those ancient parliaments in which most members could neither read nor write. Hence the number of times a Bill is "read" in parliament, and the complicated procedures in voting. In past centuries illiterate members needed to have Bills read to them a number of times, if only to get the gist of what they were voting for. We still have three readings in our parliaments now, even though this is only the title of the Bill. But on each reading members must vote, while on one there is a general debate, in addition to a debate in committee. MPs can now, at least, read, Procedures should surely be modernized to take just that into account.

As an example of just how complicated and time wasting some parliamentary procedure is, let me outline how we bring in a Budget. Here the British respect for the Treasury is in grand evidence. The procedure meanders through such a variety of committee stages and formal reading that only the Clerks of the House in question can fully comprehend.

In South Australia's the procedure starts in the following way: the Clerk of the House, in wig and gown, stands and reads "Order of the day number so-and-so - Supply in Committee". He then sits down.

The Premier then stands up and says: "I move that standing order number 44 be so far suspended as to enable order of the day - Supply, in Committee to be proceeded with forthwith". The Premier sits down.

The Speaker then says: "The Premier has moved that Standing Order number 44 be so far suspended to enable the Order of the Day - Supply, in Committee - to be proceeded with forthwith. Those in favour say aye (pause) against no (pause) I think the ayes have it".

The Premier then rises and says: "I table estimates of revenue and expenditure and financial statement.

He then again rises and says: "I move that the Speaker do now leave the Chair and the House resolve itself into a Committee

of Supply".

The Speaker then again puts the motion. On it being carried, he leaves the Chair and then Chairman of Committees takes over.

He then reads his Budget.

Now at this stage the convention has it that the Committee adjourns to be continued at a later date when the Opposition Leader speaks on the Government's Budget. This adjournment is moved by the Leader of the Opposition. When the House resumes, the Chairman stands on the floor of the House while the Speaker goes back to the Chair and after bowing, reports on the Committee.

The Premier then stands and moves: "That the Committee have leave to sit again on such-and-such a date".

When it resumes, and following a general debate which is led-off by the Opposition Leader, the items of expenditure are then individually considered by the Committee. And with each: "Those in favour say aye - against no - I think the ayes have it".

The Chairman then reports to the Speaker in the following words: "I have to report that the Committee has considered the estimates referred to it and has approved same without amendment". The Premier then rises and says: "I move that the Standing Orders be so far suspended as to enable the resolution to be at once received and considered and all necessary steps to be taken for the introduction and passage through all stages of an Appropriation Bill without delay. Again voting.

And then the Premier: "I move that the resolution be received and the reading thereof be dispensed with. Again voting.

And then yet again the Premier: "I move that the resolution be agreed to". Again the vote is taken.

And yet again the Premier: "I move that the Speaker do now leave the Chair and the House resolve itself into a Committee of ways and means." And so again the House is in Committee, following voting.

In Committee, the Premier gets up again and says: "I move that towards making good the supply granted to Her Majesty there be issued and supplied for the service of the year..... etcetera, etcetera". The Committee votes. The House resumes. The Chairman reports. The Speaker puts the question that the resolution be received and read. Voting. The Clerk reads the resolution. The Speaker puts the question again. And the House votes again.

That is by no means the end. The Premier then moves an Appropriation Bill to authorise by Statute the Appropriation of the various amounts of money as set out in the estimates. He proceeds to the bar of the House, bows, and says: "A Bill, Mr. Speaker". The Speaker says: "Bring it up". The Premier brings a signed copy to the table and the long title is read a first time.

The Premier moves it be read a first time. Voting. The Premier then moves that it be read a second time, and a debate ensues, with the vote at the end for moving into Committee. Committee again. The Chairman reports again. The Speaker puts the question: "That the report be agreed to". The Premier then moves that the Bill be read a third time. The final vote is taken.

In South Australia the Budget then passes to the Upper House where this procedure starts all over again.

Now if you feel that that is a long-winded way about voting a State's or a country's revenue, then perhaps it would be enlightening to look at the words that like pearls are regularly scattered across the floors of our parliaments. Each year the libraries of this nation receive their batch of Hansards, each volume running to millions of words that are mostly sound and fury, signifying nothing. We may now have Cabinet Government in a party system, making decisions and controlling parliament, but Members still insist on the ventilation of a bewildering and irrelevant variety of views, opinions and fantasies.

For instance, take the Member for Gumeracha's Maiden Speech in the last South Australian Parliament. It was a pearl

of exquisite form.

After congratulating the Speaker and Premier in the new Parliament he then offered his gratitude to Members who, as he said, "have made the initiation in this new vocation of new Members so pleasant".

"It is with a sense of responsibility that I stand here", the Honorable Member went on to say. Warming up to speak of Gumeracha, its pine forests, its horticulture, its agriculture, he mentioned the Woodside Army Camp which he reminded us "was notorious for Woodside 'flu during the last war".

It was a long speech - even for a Maiden Speech - but gradually we learnt that the general subject was horticulture. "The increased incidents of mites and the difficulty of controlling them has given us much concern" said the Honorable Member. "They are getting resistant to spray materials used. The answer lies in biological control.....by sterilization, by the use of attractant lures, by sex attractants, by spraying with a solution containing a virus fatal to the pest, it has been found that these methods have worked extremely well when tried on a few pests." We learnt that the screw worm problem in California had been eradicated by these methods.

Of course, one is interested in the improvement of farming pest controls, though the Department of Agriculture usually advises on this to the Minister concerned. But the Member's concern went further than just a simple mention of the matter. "Certain insects," he said, "excrete a scent when they mate. One of these insects is the gypsy moth. The female moth," he explained, "carries a great load of eggs and is too heavy to leave the ground. When she is ready to mate the males are attracted by a scent. Entomologists have synthesized this scent and are able to use it to attract males to lures or traps where they meet their deaths...." and so it went on. In addition to the gypsy moth we heard about the life-cycle of the oriental fruit fly, the lucerne caterpillar and the pine saw fly. Then, finally the Honorable Gentleman concluded his Maiden Speech with an exhortation to the Government to establish bicycle tracks

throughout the Adelaide Hills for the use of cycling tourists. Gumeracha was not full of complaints, he said. Its 'waste areas' are very attractive to tourists.

Australian Parliaments abound with examples of the crass and unnecessary verbosity of their Members. There was the case of the Member for Rocky River who in his Maiden Speech during the last South Australian Parliament referred to the Governor and his wife as "one of nature's most perfect couples"... and how it was of some significance to the Member that he "should have been born on Sir Edric Bastyan's twelfth birthday..."

But in saying that the forms and procedures of modern Parliaments are outmoded and that the Members too often appear to be joining in some kind of talking fest, I am not at all arguing for a diminishing of parliamentary power. On the one hand, it is clearly necessary that the forms and procedures of Parliament be overhauled and modernised, and on the other there should be some way of ensuring that the time wasted in talking to no point be cut down. But there are other areas which should perhaps be strengthened.

For instance, in South Australia each day of sitting we have a two-hour period of questions without notice. It is the most generous question time in the Commonwealth. By contrast in the Federal Parliament questions without notice are usually given sixty minutes, while in New South Wales questions without notice to Ministers in the Government are given forty-five minutes. In Victoria basically all questions are asked on notice, giving the Minister time to phrase his reply, and only thirty minutes of questions are allowed each day of sitting. In Queensland standing orders do not provide for questions without notice, and a Member can only ask one if the Minister first gives approval. In Western Australia questions on notice are the principal form, and questions without notice can only be asked at the discretion of the Speaker.

I think in South Australia we can be proud about this. On average during the last Parliament a quarter of the time was

spent on questioning the Government off-the-cuff, as it were. It is a form of Parliamentary procedure that keeps a Government on its toes.

Then again, Standing Committee work is an area in which many of our Parliaments have not moved effectively. In South Australia we have in particular two quite vital and powerful Committees in which Members are involved in the direct business of government.

The first is the Parliamentary Standing Committee on Public Works, which consists of five Members of the House of Assembly and two Members of the Legislative Council. This considers in detail any proposed public work estimated to cost, when complete, more than $200,000 while the Joint Committee on Subordinate Legislation, which consists of three Members from both Houses of Parliament, considers all subordinate legislation laid before Parliament made under Statute.

The Committee system for Parliaments has clearly many advantages in terms of increased responsibility for MPs. But it also has several disadvantages. The Australian Senate Select Committees have performed a valuable function in examining in detail important public issues. The Federal Government's Public Accounts Committee is an excellent watch-dog over excessive Departmental expenditure.

But, of course, if as has happened in America the Committee system proliferates and becomes directly involved with the legislative processes, then Government by the executive according to electoral mandate is capable of being threatened or weakened. The fact is that given the structure of our political parties, the nature of Cabinet Government, the demands of an expert bureaucracy, and the party vote in Parliament, it is probably not possible to widen Parliamentarians' powers significantly without slowing down the process of Government generally.

But what we have to do is ensure that the real modern business of parliament is carried out efficiently, effectively, and

democratically. There are at the moment three situations of real importance in our Parliaments when Members should feel obliged to ask their Houses for attention. (This is, of course, apart from those occasions on which a Minister or a Member introduces a new Bill, when a detailed explanation is, of course, necessary).

The first of the other reasons is when a Member feels so strongly about a public issue that he believes it should be raised in Parliament and perhaps thereby affect public opinion. But if the Member has an issue of such importance, his raising of it in Parliament will not in fact assist his cause unless he has the full support of the public communications media. (The role of the press and news media in our style of democracy, and in this area in particular, warrants in fact a separate lecture.)

The second occasion on which MPs may wish the attention of Parliament and thereby the public is on those rare occasions when it is advisable to read something into the public record.

And then the third area of parliamentary debate in which it seems to me to be advisable that unlimited debating occurs is in the Committee stages of a Bill when Members are able to talk to the point, or the clause, in quite specific terms, as often as they like. In such Committee stages, and especially with Bills which do not cause inter-party or public controversy, individual members are able to act in their own right to meaningful effect.

With our present systems, individual Members of Parliament may at times find themselves in conflict with their Party's programme or with individual constituent desires, but by and large they manage in most cases to serve both effectively. Or at least they are not unable to serve both effectively. And the future of our kind of democracy depends on this balance being maintained. In theory and in practice the checks and balances which make up our parliamentary system work. We should never, in Australia, wish to have one central parliament in which, as happens in Great Britain, many of the 600 Members rarely get a chance to speak. In fact we should rather be looking for steamlined representative bodies capable of dealing effectively and intelligently with the problems of an

exploding technological society, both on the parliamentary level, and on all the lower levels of public government. We have in Australia a reasonably efficient basic system of government. It needs now only effective Members to make it work.
